

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)
)
Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

To: The Commission

COMMENTS OF WWAC-TV INC.

WWAC-TV Inc. (WWAC), through its attorneys, files herewith its Comments in the above-captioned proceeding.

1. WWAC is the licensee of Station WWAC-TV, Channel 53, Atlantic City, New Jersey. It has carefully reviewed the Commission's proposals in this proceeding and has participated in industry meetings concerning DTV transition plans.

2. Before it adopts a final table of allotments, the Commission should consider cases such as that of WWAC in which a proposed allotment would not provide for viable public service. The proposed DTV allotment for WWAC is Channel 50. During the transitional period WWAC's DTV operation will have to protect the signal of an NTSC television station operating elsewhere on Channel 50 in New Jersey. The resulting contour, while it would replicate the station's current small contour, would not provide an economically viable basis for the transition.

3. The owners of WWAC acquired the station in July 1991. The station had been off the air for months and had no revenues. The previous licensee had modified the facilities of the station to provide only minimal coverage in order to cut operating costs. The new owners improved the station facilities and returned it to the air in September 1991, with the intention of building business up to the point where they

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could propose higher power operations. The two owners run the station on a day-to-day basis. They have worked diligently over the past five years to make the station a success. Although the station is part of the Philadelphia ADI and is theoretically entitled to carriage throughout the ADI, it is not able to provide a usable signal to most of the ADI population centers. Nonetheless, WWAC covers southern New Jersey and has achieved cable carriage within that core area. It has also paid for fiber optic connections to a number of other cable systems beyond the reach of its over-the-air signal. The station airs home shopping programming during the day, but broadcasts an ambitious schedule of local informational programming in the evenings. The host of the station's Sunday hour-long public affairs program has received commendations from the Governor of New Jersey, and the Mayor of Atlantic City for the program. However, the economics of operation have been dismal, as the owners have scrounged for revenues and continued to invest in rebuilding the business of the station.

4. After years of hard work, WWAC has only recently reached the point where operations permit a proposed improvement of facilities to upgrade the station. On May 8, 1996 WWAC applied for a construction permit to move its transmitter and increase power to 5 million watts, and it eagerly awaits grant of that application so that it may finally provide a competitive service. However the Commission's proposed allotment is based on the database of existing authorizations. That will leave WWAC upon grant of its application in the anomalous situation of operating a very powerful NTSC station while planning for a minimum power DTV station. The situation will lead to severe problems, particularly during the last few years before the nation's conversion to DTV is completed. Under these circumstances, WWAC should be allotted a DTV

channel which will replicate its proposed coverage, and not the current coverage which does not provide a basis for operation of a profitable public service station.

5. There is no reason why unbuilt construction permits should be accorded maximized DTV allotments while established broadcasters' proposals for improvement of service are not taken into account in DTV allotments. For example, an unbuilt construction permit issued in 1987 for Channel 62 at Atlantic City, New Jersey has been proposed for a 5 megawatt DTV channel, while WWAC's struggling UHF station would be relegated to a minuscule contour.

6. Special consideration should be given to this problem because New Jersey is notoriously underserved by television due to its location between the large New York and Philadelphia television markets. New Jersey is allotted 12 commercial TV channels, only four of which are in operation with transmitters in New Jersey (1996 Television and Cable Factbook). If Station WWAC is restricted to its current peanut service area during the DTV transition, it cannot possibly afford to convert and provide a long-term competitive service.

7. In view of these considerations, the Commission should afford relief to WWAC by refining the proposed table to maximize the station's DTV coverage.

Respectfully submitted,

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